

Docket No.: KC-0040

#8

DACB

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of  
Mike KINSELLA and John Law McGuire

Serial No. 09/592,563

Confirm. No.: 3714

Filed: June 12, 2000

For: MESSAGING SYSTEM

RECEIVED

NOV 17 2003

OFFICE OF PETITIONS

: Group Art Unit: 2682

: Examiner: Lee Nguyen

: Customer No.: 34610

**PETITION FOR REVIVAL OF A PATENT APPLICATION**  
**UNINTENTIONALLY ABANDONED UNDER 37 C.F.R. 1.137(b)**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Petition  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee:

Small entity - fee \$675.00 (37 C.F.R. 1.17(m)). Applicant claims small entity status.  
 Other than small entity - fee \$\_\_\_\_\_ (37 C.F.R. 1.17(m))

11/13/2003 SZENDIE1 00000120 09592563

01 FC:2453

665.00 0P

Repln. Ref: 11/13/2003 SZENDIE1 0013044500  
DAB:160607 Name/Number:09592563  
FC: 9204 \$10.00 CR

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in the form of an Amendment and Petition for Extension of Time.

has been filed previously on \_\_\_\_\_.

is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_

has been paid previously on \_\_\_\_\_.

is enclosed herewith.

## 3. Terminal disclaimer and disclaimer fee

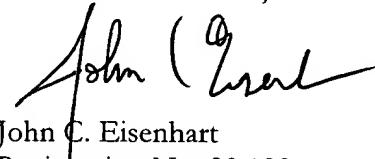
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 C.F.R. §1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (See PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional.

5. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FLESHNER & KIM, LLP



John C. Eisenhart  
Registration No. 38,128

P.O. Box 221200  
Chantilly, Virginia 20153-1200

703 502-9440 JCE/jlg

Date: November 12, 2003

**Please direct all correspondence to Customer Number 34610**

Enclosures:  Fee payment  
 Reply  
 Terminal Disclaimer Form  
 Petition for Extension of Time